

Appl. No. 09/692,709
Amdt. Dated July 22, 2005
Reply to Office action of April 28, 2005
Attorney Docket No. P12288/45687-00036
EUS/J/P/05-6128

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended Claims 1 and 17; Claims 2-3 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1, and 4-23 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 1, 4-6, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Chadwick. In rejecting independent Claims 1 and 17, the Examiner stated that Chadwick failed to "specifically teach distributing trust relations between all members in the trust group and the candidate node by means of the X-node distributing the public key associated with said candidate node to said all members of the trust group." Even though Chadwick failed to disclose or teach every element of the claimed invention, the Examiner however stated that such missing element would have been obvious to "one of ordinary skill in the art, at the time the invention was made, to combine the X-node distributing the public key of the candidate node to all members of the trusted group, with the method/network of Chadwick et al."

In that regard, Applicant respectfully traverses the Examiner rejection and submits the following remarks for the Examiner's favorable reconsideration. In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 706.02(j)). Since the Examiner failed to meet each and every criteria as set forth above, independent Claims 1 and 17 are not rendered obvious in view of Chadwick. In that regard, Applicant extremely appreciates the Examiner's summarization of the current invention by analogizing the claimed invention against the Examiner's "cocktail party" scenario.

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However, Applicant respectfully submits that without providing proper prior art evidence to support the Examiner's rejection that such knowledge is generally available to one of ordinary skill in the art, the Supreme Court has frequently warned against the use of "hindsight" in determining obviousness. Diamond Rubber Co. v. Consolidated Rubber Tire Co., 220 U.S. 428 (1911); Panduit Corp. v. Dennison Mfg. Co., 774 F.2d 1082, 227 USPQ 337 (Fed. Cir. 1985). Additionally, in the Mahurkar Court, Judge Easterbrook further noted that:

"With hindsight the transistor is obvious; but devising the transistor was still a work of genius. An invention lies in a combination of elements that are themselves mundane.... Unless the prior art itself suggest the particular combination, it does not show that the actual invention was obvious or anticipated." In re Muhurkar Patent Litigation, 831 F. Supp. 1354, 28 USPQ2d 1801 (N.D. Ill. 1993), aff'd, 71 F.3d 1573, 37 USPQ2d 1138 (Fed. Cir. 1995).

Applicant respectfully submits that other courts have stated that it is further impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). As a result, Applicant submits that the Examiner's statement indicating that the missing element to be deemed obvious to one of ordinary skilled in the art and analogizing the claimed elements against the Examiner's "party" scenario while failing to provide relevant prior art references or evidence to support such rejection is not proper.

Furthermore, contrary to the Examiner's rejection that the claimed invention is obvious under Chadwick in view of the knowledge available to one of ordinary skilled in the art, Applicant respectfully submits that the Chadwick reference actually teaches away from the claimed invention. According to Chadwick, a certification path within the Chadwick invention comprises a chain of certificates starting with a certificate by a particular certificate authority (CA), which is trusted, and ends with a certificate of a remote host. It is also clear from Chadwick that the necessary signature to form a

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certificate path can only be made by the CA and that the ordinary users cannot create such paths or otherwise extend or distribute such trust relationship. On the other hand, in accordance with the teachings of the present invention, any node in the trusted group having a trust relationship with the candidate node is authorized to establish trust relationship between the candidate node and all other members of the trust group by distributing the relevant public keys.

In that regard, in In re Gurley (1994), the Court noted that a "reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." In re Gurley, 7 F.3d 551, 31 USPQ2d 1130 (Fed. Cir. 1994). As a result, since the CA and the "Certification Path" play the central role in the Chadwick reference, Applicant respectfully submits that a person of ordinary skill, upon reviewing Chadwick, would be discouraged from establishing an "ad hoc group" of trusted members wherein any node having a trust relationship with a particular candidate node is authorized to accept that candidate node into the group by distributing and sharing other node's public keys. In other words, not only did Chadwick fail to anticipate or render obvious each and every element of the claimed invention, the Chadwick reference actually teaches away from combining such missing element with the Chadwick invention. Applicant therefore respectfully submits that independent Claims 1 and 17 are not anticipated or rendered obvious in view of Chadwick, independently or in combination with any knowledge generally available to one skill in the art, and a Notice of Allowance for the amended Independent Claims and their respective dependent Claims is earnestly requested.

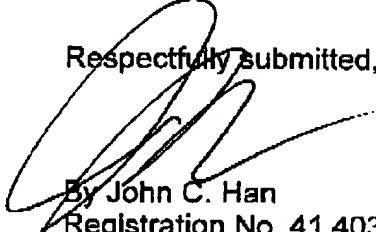
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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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